

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

**METROPOLITAN LIFE INSURANCE
COMPANY,**

Plaintiff,

vs.

**Civil Action No.
5:12-CV-725 (MAD/DEP)**

SHAWN DEMONICA; and JOAN READ,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

HODGSON, RUSS LAW FIRM
The Guaranty Building
140 Pearl Street
Suite 100
Buffalo, NY 14202-4040

Catherine Grantier Cooley, Esq.

Mae A. D'Agostino, U.S. District Judge

**JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT**

Counsel for the plaintiff informed the Court on October 16, 2012 that parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly. Accordingly, counsel has indicated that this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, the Court finds that it is not necessary for this action to remain on the court's active docket.

Accordingly, the Court hereby

ORDERS, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within thirty (30) days from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The parties are directed to file a stipulation of dismissal within 30 days of the date of this order.
- 4) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action.

Dated: October 16, 2012
Albany, New York


Mae A. D'Agostino
U.S. District Judge